

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 12-20606

v.

HON. NANCY G. EDMUNDS

D-1 TOMO DUHANAJ,

Defendant.

_____ /

STIPULATION AND ORDER CONTINUING TRIAL
AND DETERMINING EXCLUDABLE DELAY

The United States of America and the defendant, Tomo Duhanaj, by and through their respective counsel, hereby stipulate and agree to the entry of the attached order continuing the trial to August 13, 2013.

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United States Attorney

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s/With Consent of Sanford Schulman
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UNITED STATES OF AMERICA,

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ORDER CONTINUING TRIAL AND
DETERMINING EXCLUDABLE DELAY

Upon the stipulation of the parties, IT IS ORDERED that the trial of this matter be, and hereby is, continued from December 6, 2012 to August 13, 2013 at 9:00 a.m.

The Court finds that the ends of justice served by continuing the trial for this period outweigh the best interests of the public and the defendant in a speedy trial for the reasons that a failure to grant the stipulated adjournment would be likely to make a continuation of the trial impossible, or result in a miscarriage of justice, and would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Because this is a complex case due to the nature of the prosecution and the extremely large volume of discovery

materials, it would be unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the time limits established by the Speedy Trial Act. Moreover, the parties would like time to engage in plea negotiations once the voluminous discovery material is produced and reviewed. Plea negotiations constitute “other proceedings concerning the defendant” within the meaning of 18 U.S.C. § 3161(h)(1)(A), *see United States v. Dunbar*, 357 F.3d 582, 593 (6th Cir. 2004); *United States v. Bowers*, 834 F.2d 607, 609-10 (6th Cir. 1987) (per curiam). Accordingly, the time period from December 6, 2012 to August 13, 2013 constitutes excludable delay under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(1)(A), (h)(7)(A), (B)(i), (ii), (iv).

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: November 1, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 1, 2012, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager